

Item 3c	14/00098/FUL
Case Officer	Ian Heywood
Ward	Brindle & Hoghton
Proposal	Change of use from hospital admin accommodation to residential
Location	Land 40M North West Of Lake View Nursing Home Chorley Road Withnell
Applicant	European Care Group
Consultation expiry:	16 May 2014
Decision due by:	2 February 2015

UPDATE:

It was previously considered that this application could be dealt with under delegated powers with any grant of planning permission being subject to an associated legal agreement to secure a commuted sum payment for the provision of off-site public open space.

However the formal decision notice has not yet been issued and since the changes introduced by the National Planning Practice Guidance (NPPG) in November last year, the Council's revised position is that all applications affected by the change to NPPG are taken to Chair's Brief for further consideration.

The NPPG was updated by Government on 28 November 2014 in respect of contributions for affordable housing and tariff style planning obligations. These measures were introduced to support small scale developers by reducing what are in the Government's view disproportionate burdens on developer contributions. The updated guidance confirms that such contributions should not be sought from small scale and self-build development. In particular, the guidance states that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000m².

This development is for 1 dwelling which is below the 10 unit threshold and also has a gross floorspace of less than 1000m². In the case of this development there is no evidence at this time, which is directly related to the development, to seek a contribution towards public open space contrary to the national guidance.

The officer's original report is set out below and Members will note that the recommendation previously was to approve the application subject to a legal agreement. However since the NPPG changes this has now been revised to APPROVE. In all other respects the assessment of the proposal is unchanged and there are no other amendments to the report.

This application was taken to Chair's Brief on 20th January 2015 where it was considered that as there are identified open space/ play space deficits in this part of the Borough, and since the applicant has not agreed to enter in a legal agreement to secure a commuted sum towards provision, the Development Control Committee should determine whether a contribution towards public open space is necessary. The identified deficits in respect of this part of the Borough are set out within the body of the report.

Members need not rehearse the arguments aired when it was first agreed by the Council that the matter could be approved. Any discussion should instead concentrate on the issues regarding imposition or not of tariff style obligations in s.106 agreements raised by the Ministerial Statement dated 28 November 2014. However if there have been material changes in relation to the application site since it was agreed that the application could be approved which might cause the decision to be revisited members are encouraged to discuss these issues.

Recommendation: Approve subject to conditions

14/00098/FUL

Target Date: 2 June 2014

**DELEGATED
REPORT**

RECOMMENDATION: Permit Full Planning Permission (subject to legal agreement)

Signed:

Case Officer: Mr Ian Heywood..... **Agreed:**

Date: 2 June 2014..... **Date:**

RELEVANT POLICIES: In reaching this decision the policies for the area, which currently comprises the Development Plan which comprises the saved policies of the Adopted Chorley Borough Council Local Plan Review (2003), the Adopted Central Lancashire Core Strategy (2012), the emerging Chorley Local Plan 2012 - 2026 and all other relevant planning guidance, including supplementary planning guidance and supplementary planning documents, were taken into account. This includes specifically the following policies: Core Strategy Policy 1, Emerging Local Plan Policy HS9. Also of relevance is the Framework (NPPF) paragraphs 55 and 90.

HOW QUALITY OF SCHEME HAS BEEN IMPROVED: N/A

COUNCILLOR REQUEST TO REFER TO COMMITTEE: None

CONSULTEE COMMENTS: Parish Council - No comments have been received
The Coal Authority - Standing advice, low risk
Lancashire County Council Highways - No objections
Building Control Team Leader - No objections
Planning Policy Advice - No objections

NEIGHBOUR COMMENTS: none received

OFFICERS REPORT:

Proposal

This application relates to the change of use from hospital admin accommodation to residential.

Site Description

The site is immediately adjacent to Lake View Nursing Home, which itself is located on a private access drive within the Parish of Withnell that is within the Green Belt. The site is set in a sylvan location, surrounded on its southern side by an extensive stand of trees.

The building itself, Withnell Hall, was originally a grand country house of similar style to Ollerton Hall and was probably constructed at a similar time – 1840 – in a neo classical style faced in fine sandstone ashlar with typical late Georgian/Regency details and proportions. Its style and age lead to

it being included on the Chorley Council list of Locally Important Buildings in 2003. As such Annex 2 to the Framework defines the building as a Heritage Asset.

More recently it was utilised and converted as an admin/staff accommodation block for lake View Nursing Home to which it is immediately adjacent, however in the most recent years it has been abandoned and is now beginning to show signs of neglect and decay.

In effect the current proposal is seeking to return the building to its original use as a single dwelling. Fortunately neither the interior nor the exterior has been too greatly altered such that the job in hand is more one of conservation and a little restoration rather than wholesale reconstruction.

Constraints

Coal consultation zone
Locally Important Buildings
Tree Preservation Orders
Green Belt

Site History

The site history of the property is as follows: Nil

Summary of Objections / Issues

No objections have been received.

The issues for consideration are:

1. Principle of development
2. Design and impact on the significance of a heritage asset
3. CIL
4. S.106 Agreement

Analysis of Issues:

1. Principle of development:

Paragraph 55 of the Framework states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. These special circumstances include where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. This building is currently partly unused, so its re-use would be in accordance with this element of the Framework.

The proposal is located within the Green Belt. Paragraph 90 of the Framework states that certain forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. This includes the re-use of buildings provided that they are of permanent and substantial construction. This proposal is for the re-use of a building, so is considered to be in accordance with paragraph 90 of the Framework, providing the building is of permanent and substantial construction.

Core Strategy Policy 1: Locating Growth, criteria f) states that development 'in other places' – will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need. This proposal is for the conversion of a building and is small scale, so is in accordance with Core Strategy Policy 1.

Emerging Local Plan Policy HS9 covers the Conversion of Rural Buildings in the Green Belt. Policy HS9 states that proposals for the re-use of buildings in the Green Belt will be allowed provided that a number of criteria are met. This application will need to be assessed against these criteria on site.

The Central Lancashire Rural Development SPD provides additional information regarding the re-use

of existing buildings in the Green Belt for residential use. Para 50 says that re-use for business, community or tourism purposes will usually be preferable to residential use because they typically require less alteration. Where business, community or tourism uses are not feasible, residential conversions may be more appropriate in some locations and for some types of building. In these instances, the Councils will require the submission of a report demonstrating that it is not practical or financially viable to use the building for business, community or tourism purposes or where there is an amenity or environmental reason why these uses are not acceptable.

This paragraph is duplicated in the reasoned justification to Local Plan HS9 but not within the policy itself. The Emerging Local Plan Inspector's Partial Report (25 October 2013) considered that the inclusion of a restrictive criterion in Policy HS9 to promote business, community and tourism uses in favour of residential conversions was not supported by the Framework, nor was there an overriding justification in the context of Chorley to impose it. The Council has accepted the recommendations in the Partial Report. This site is next to a nursing home and subject to compliance with other relevant policies, such as emerging Policy HS9, residential re-use is considered acceptable.

2. Design and impact on the significance of a heritage asset:

As stated previously the proposed works are more ones of conservation with a degree of restoration. The aim is to return the building to its original form as a single dwelling. To that end there are no proposed alterations to the exterior of the building. As such therefore the original design of the building will be respected and it is consequently considered that the significance of the building will be enhanced.

3. CIL:

The development involves the conversion of a currently unused building to residential use. As such the whole of the floor area becomes liable for CIL, which in this case equates to 464 square metres, which at the rate of £65 per square metre equals £30160.00.

4. S.106

The development is subject to a S.106 agreement with the following heads of terms:

Amenity greenspace	= £140
Equipped play area	= £134
Parks/Gardens	= £1,467
Natural/semi-natural	= £0
Allotments	= £15
Playing Pitches	= £1,599
Total	= £3,355

Conclusion

The proposed development is considered to accord with both local and national policy guidance and is therefore recommended for approval.

Site Visit Date:	25 April 2014	Site Notice Expiry Date:	16 May 2014
Nbr Letter Expiry Date:	5 May 2014	Press Notice Expiry Date:	

RECOMMENDATION: Permit Full Planning Permission (subject to legal agreement)

CODE: LEGFUL

PROPOSED CONDITIONS:-

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Ground Floor, 1:200 Submitted on 31.01.2014

First Floor, 1:200 Submitted on 31.01.2014

Reason: For the avoidance of doubt and in the interests of proper planning

3. All external facing materials of the development hereby permitted shall match in colour, form and texture those on the existing building.

Reason: In the interests of the visual amenity of the area in general and the existing building in particular.

4. Prior to any works commencing details of the proposed fenestration (windows, doors and other joinery), to include full details at a scale of not less than 1:10 shall be submitted to and agreed in writing by the Local Planning Authority. All works shall then be undertaken strictly in accordance with the details as approved.

Reason: To maintain the integrity of the historic building

5. Prior to the commencement of any development, full details of the alignment, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property.

6. Prior to the commencement of any development plans and particulars showing the provision for the parking and/or garaging of cars and associated manoeuvring areas (including full details of the surfacing, drainage and marking out of the spaces) shall be submitted to, and approved in writing by, the Local Planning Authority. Such details as agreed shall be laid out and made available in all respects prior to the first occupation of the building to which it is related and thereafter retained (notwithstanding the Town and Country Planning (General Permitted Development) Order 1995).

Reason: In order that the Council may be satisfied with the details of the proposal and to ensure a satisfactory level of off-street vehicle park[.]

7. Before the commencement of any works, full details of the proposed rainwater goods to be used on the building shall have been submitted to and been approved in writing by the Local Planning Authority. All works undertaken on site should be strictly in accordance with the approved details.

Reason: In the interests of the character and appearance of the building